

BEFORE THE WESTERN WASHINGTON GROWTH MANAGEMENT HEARINGS BOARD

WHIDBEY ENVIRONMENTAL ACTION  
NETWORK (WEAN),

Petitioner,

v.

ISLAND COUNTY,

Respondent

Case No. 06-2-0010

**ORDER DISMISSING PETITION FOR  
REVIEW**

THIS Matter comes before the Board upon the motion of Petitioner, Whidbey Environmental Action Network (WEAN), to withdraw its petition for review in this case.<sup>1</sup> WEAN states that the reason for its motion is that it does not wish to become engaged in the “non-substantive side issue” of the meaning of the GMA requirements for “continuing review and evaluation” under RCW 36.70A.130(1)(a).<sup>2</sup> Based on representations in the County’s pending motion to dismiss, WEAN accepts the assertion that the County Commissioners will take legislative action within the next 30 days. WEAN anticipates filing a new petition for review on the basis of that legislative adoption.<sup>3</sup>

Under the Rules of Practice and Procedure before the growth management hearings boards, dismissal may be granted upon the motion of the petitioner prior to presentation of the respondent’s case:

**Dismissal of action.** Any action may be dismissed by a board:

- (1) When all parties stipulate;
- (2) Upon motion of the petitioner or respondent prior to the presentation of the respondent’s case;
- (3) Upon motion by the respondent alleging that the petitioner has failed to prosecute the case, failed to comply with these rules, or failed to follow any order of the board; or

<sup>1</sup> Memorandum from Steve Erickson to Presiding Officer and Joshua Choate, dated September 9, 2006.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

1 (4) Upon a board's own motion for failure by the parties to comply with these rules or  
2 any order of the board.  
3 WAC 242-02-720.

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5 In this case, WEAN has made its motion to withdraw its petition for review prior to the  
6 County's presentation of its case. WEAN also provides a reasonable basis for dismissing its  
7 petition. Therefore, WEAN's motion will be granted.

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9 **ORDER**

10 Based on the foregoing, WEAN's motion to withdraw its petition for review in this case is  
11 hereby GRANTED and this case is DISMISSED.

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14 Entered this 14<sup>th</sup> day of September 2006

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Margery Hite, Board Member

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Holly Gadbow, Board Member

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Gayle Rothrock, Board Member

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28 Pursuant to RCW 36.70A.300 this is a final order of the Board.

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30 **Reconsideration.** Pursuant to WAC 242-02-832, you have ten (10) days from the date  
31 of mailing of this Order to file a petition for reconsideration. The original and three  
32 copies of a motion for reconsideration, together with any argument in support  
thereof, should be filed with the Board by mailing, faxing, or otherwise delivering the  
original and three copies of the motion for reconsideration directly to the Board, with

1 a copy to all other parties of record. Filing means actual receipt of the document at  
2 the Board office. RCW 34.05.010(6), WAC 242-02-240, and WAC 242-02-330. The filing  
3 of a motion for reconsideration is not a prerequisite for filing a petition for judicial  
4 review.

5 Judicial Review. Any party aggrieved by a final decision of the Board may appeal the  
6 decision to superior court as provided by RCW 36.70A.300(5). Proceedings for  
7 judicial review may be instituted by filing a petition in superior court according to the  
8 procedures specified in chapter 34.05 RCW, Part V, Judicial Review and Civil  
9 Enforcement. The petition for judicial review of this Order shall be filed with the  
10 appropriate court and served on the Board, the Office of the Attorney General, and all  
11 parties within thirty days after service of the final order, as provided in RCW  
12 34.05.542. Service on the Board may be accomplished in person or by mail, but  
13 service on the Board means actual receipt of the document at the Board office within  
14 thirty days after service of the final order. A petition for judicial review may not be  
15 served on the Board by fax or by electronic mail.

16 Service. This Order was served on you the day it was deposited in the United States  
17 mail. RCW 34.05.010(19)  
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